

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:24-000143

TRAVIS LEE HARRY

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the motion of the United States to continue trial and related deadlines. (ECF No. 34.) In support of the government's motion, counsel explains that defendant did not disclose its reciprocal discovery in a timely manner. Given the late disclosure, the government requests additional time to review defendant's voluminous production.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the motion to continue.<sup>1</sup> In deciding to grant the

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<sup>1</sup> Defendant also filed a motion to continue, see ECF No. 30, seeking a continuance because of conflicts with two other criminal cases. The court's review of the docket sheets in those other cases indicates that those conflicts no longer exist. Therefore, defendant's motion is **DENIED**.

Prior to filing its motion to continue, the government filed a motion to exclude any undisclosed defense evidence. See ECF No. 28. Any prejudice suffered by the government due to defendant's late disclosure (referenced above) is cured by the court's continuance. Therefore, the motion in limine to exclude is **DENIED** without prejudice. The government may renew its motion if there are further untimely disclosures.

government's motion, the court considered the factors outlined in 18 U.S.C. § 3161(h)(7)(B) and finds that denying the motion "would deny counsel for the government . . . the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." Id. § 3161(h)(7)(B)(iv).

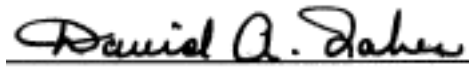
Accordingly, the court hereby **ORDERS** as follows:

1. The deadline for the filing of pretrial motions is continued to February 20, 2025;
2. The Pretrial Motions Hearing is continued to March 3, 2025, at 11:00 a.m. in Bluefield;
3. Jury Instructions and Proposed Voir Dire are due by April 15, 2025;
4. Trial of this action is continued to April 22, 2025, at 9:30 a.m. in Bluefield; and
5. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to all counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

**IT IS SO ORDERED** this 27th day of January, 2025.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge